

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

KALMAN ROSENFELD, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

AC2T, INC., BONNER ANALYTICAL
TESTING CO., and JEREMY HIRSCH,

Defendants.

Case No. 1:20-cv-04662-HG-PK

**DECLARATION
OF DANIEL R. BENSON**

I, Daniel R. Benson, hereby declare under penalty of perjury as follows:

1. I am attorney admitted to practice before the United States District Court for the Eastern District of New York and a member of the law firm Kasowitz Benson Torres LLP (“Kasowitz”).

2. I respectfully submit this declaration, pursuant to Local Civil Rule 1.4 of the United States District Court for the Eastern District of New York, in support of the stipulation and order substituting Kasowitz for Venable LLP (“Venable”) as counsel of record for Defendant AC2T, Inc. in the above-captioned proceeding.

3. Defendant AC2T, Inc. has requested that Kasowitz represent it in this proceeding and has consented to the withdrawal of Venable.

4. This proceeding is a putative consumer class action involving claims against Defendants for allegedly misrepresenting the effectiveness of the Spartan Mosquito Eradicator Product. Plaintiff filed the Complaint in this action on September 30, 2020. On February 24, 2021, Defendants Bonner Analytical Testing Co. (“Bonner”) and Jeremy Hirsch (“Hirsch”) moved to dismiss Plaintiff’s putative claims for lack of personal jurisdiction under Fed. R. Civ. P. 12(b)(2), and Defendant AC2T, Inc. moved to dismiss Plaintiff’s putative claims against it for

failure to state a claim under Fed. R. Civ. P. 12(b)(6). On September 15, 2021, the Court granted Bonner and Hirsch's motions to dismiss for lack of personal jurisdiction and dismissed Plaintiff's claims against them, but denied AC2T, Inc.'s motion to dismiss for failure to state a claim.

Plaintiff's deadline to move for class certification under Fed. R. Civ. P. 23 is September 7, 2022; AC2T, Inc.'s deadline to respond to Plaintiff's class certification motion is October 26, 2022; and Plaintiff's deadline to file a reply in further support of his class certification motion is November 23, 2022.

5. The substitution of Kasowitz as counsel of record will not unnecessarily delay this proceeding. I therefore respectfully request that the Court approve the Stipulation and [Proposed] Order of Substitution of Counsel submitted herewith.

Dated: June 27, 2022
New York, New York

/s/ Daniel R. Benson
Daniel R. Benson